

PHILLIP A. TALBERT  
Acting United States Attorney  
DAVID T. SHELLDY  
Assistant U.S. Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Tel: (916) 554-2799  
Fax: (916) 554-2900  
david.shelledy@usdoj.gov

Attorneys for the United States

MORGAN, LEWIS & BOCKIUS LLP  
Susan Baker Manning, CA Bar No. 197350  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
Tel: +1.202.739.3000  
Fax: +1.202.739.3001  
susan.manning@morganlewis.com

Lisa R. Weddle, CA Bar No. 259050  
Kent W. Kraushaar, CA Bar No. 307536  
300 South Grand Avenue  
Twenty-Second Floor  
Los Angeles, CA 90071-3132  
Tel: +1.213.612.2500  
Fax: +1.213.612.2501  
lisa.weddle@morganlewis.com  
kent.kraushaar@morganlewis.com

Attorneys for Plaintiffs A.F.P and J.F.C.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

A.F.P. and J.F.C.,

Plaintiffs,

v.

United States of America,

Defendant.

Case No. 1:21-cv-00780-DAD-EPG

JOINT STATUS REPORT AND THIRD JOINT  
MOTION TO HOLD ACTION IN ABEYANCE

No Hearing Requested

1 The parties jointly move the Court for an order holding this action in abeyance for an additional  
2 60 days to facilitate continued settlement negotiations. In support of this motion, the parties respectfully  
3 state the following:

4 In this action under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b)(1), 2671-2680, the  
5 plaintiffs—a father and son—assert claims for intentional infliction of emotional distress, abuse of  
6 process, and negligence arising out of plaintiffs’ separation after crossing over the southern border into  
7 the United States in January 2018.

8 On August 16, 2021, the parties jointly moved the Court to hold the action in abeyance for an  
9 additional 60 days, to facilitate ongoing settlement efforts. On August 17, 2021, the Court granted the  
10 motion and ordered the case held in abeyance until October 15, 2021, at which time the parties were  
11 directed to file this status report notifying the Court whether an additional abeyance is needed.

12 The parties have made substantial progress but require additional time for ongoing settlement  
13 discussions. Through counsel coordinating the negotiations on behalf of the United States and these and  
14 additional plaintiffs and claimants, the parties are engaged in a nationwide effort to settle district court  
15 cases and pending administrative tort claims arising from family separations at the U.S./Mexico border  
16 that occurred during the prior administration. During the current stay period, the United States and  
17 plaintiffs’ counsel continued to meet frequently and narrowed their differences on important elements of  
18 the settlement framework. While significant progress has been made, due to the scale and complexity of  
19 the effort, additional time is needed to achieve a global resolution of these matters.

20 To facilitate continued progress, the parties respectfully move the Court for an order holding this  
21 action, including all proceedings and case deadlines, in abeyance for an additional 60 days. The parties  
22 will file another status report no later than December 14, 2021. Depending on progress of the settlement  
23 discussions, the parties may seek an additional abeyance at that time. If an additional abeyance is not  
24 sought, the parties request that all existing deadlines be extended for an additional sixty days from the  
25 original deadlines, and that the initial scheduling conference be reset for a date convenient for the Court.

26 A proposed Order is separately filed herewith.

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Respectfully submitted this 8th day of October 2021.

PHILLIP A. TALBERT  
Acting United States Attorney

By: /s/ David T. Shelledy  
DAVID T. SHELLEDY  
Assistant U.S. Attorney  
Civil Division Chief

Attorneys for the United States

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Kent W. Kraushaar (approved Oct. 7, 2021)  
Susan Baker Manning  
Lisa R. Weddle  
Kent W. Kraushaar

Attorneys for Plaintiffs A.F.P and J.F.C.